

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA,	§	
	§	
	§	
v.	§	No. 1:24-MJ-00233-ML
	§	
(1) MARK ANTHONY OBREGON,	§	
<i>Defendant</i>	§	

ORDER

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. I have considered the evidence and proffers presented during the hearing, the pleadings on file, the recommendation of Pretrial Services, and the four factors set out in the Bail Reform Act, 18 U.S.C. § 3142(g). In light of all of this, I find that the record establishes (1) by a preponderance of the evidence that no combination of conditions will reasonably assure the defendant's presence as required, and (2) by clear and convincing evidence that that no condition or combination of conditions will reasonably assure the safety of any other person and the community.

The reasons for my decision include, in particular:

- the nature and circumstances of the offense charged, namely, Sexual Exploitation of Children (here, at least one 13-year-old victim); Distribution, Receipt, Transportation, and Possession of Child Pornography (solicited from the same minor victim); and Transportation of Minor with Intent to Engage in Criminal Sexual Activity (here, transporting his minor victim from her home in Alabama to his family member's home in Texas);
- the weight of the evidence against the person, including accounts from the victim, evidence seized from Defendant's phone, and physical evidence recovered from the person and clothing of Defendant's minor victim;

- the history and characteristics of the person, including—(A)the person’s character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings; and (B)whether, at the time of the current offense or arrest, the person was on probation, on parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under Federal, State, or local law;
- the nature and seriousness of the danger to any person or the community that would be posed by the person’s release, particularly, Defendant’s demonstrated willingness to engage in significant efforts to entice multiple known minor victims into a sexual relationship with him and, then, on at least one occasion, actually carrying out a sexual assault on a known minor victim; and
- finally, the operation of the presumption in 18 U.S.C. § 3142(e)(3)(E) that detention is needed because the crime charged is an offense involving a minor victim (which, even when rebutted, remains as a factor for the Court’s consideration).

This record establishes (1) by a preponderance of the evidence that no combination of conditions will reasonably assure the defendant’s presence as required, and (2) by clear and convincing evidence that that no condition or combination of conditions will reasonably assure the safety of any other person and the community.

DIRECTIONS REGARDING DETENTION

Defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections

facility shall deliver Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SIGNED June 4, 2024.



DUSTIN M. HOWELL
UNITED STATES MAGISTRATE JUDGE